

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD,)	C.A. NO. 04-11193NG
Plaintiff)	
)	
v)	
)	
TIMOTHY CALLAHAN, ET AL.)	
Defendant(s))	
)	

**PLAINTIFF'S MOTION IN LIMINE RE:
ALLEGATIONS OF SPOILIATION OF TRIAL NOTES BY STEVEN RAPPAPORT**

Now comes the Plaintiff and moves this Court to order the Defendants not to argue, suggest, or elicit testimony suggesting that Steven Rappaport, Plaintiff's trial counsel in the original criminal trial, had notes of interviews of witnesses which were destroyed either by Steven Rappaport or Attorney Rosemary Scapicchio. In support thereof, the Plaintiff says:

1. There is no good faith basis for making that allegation.
2. The allegation concerning twenty year old hypothetical notes is entirely too speculative and remote to the issues at trial.
3. Any minimal relevancy of that evidence is substantially outweighed by the unfair prejudice, confusion of issues and potential to mislead the jury.

In support, the Plaintiff has submitted a Memorandum of Law.

Respectfully submitted,

By His Attorneys,

/s/ Michael Reilly

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